

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 **PAULINE KNOWLES,**

11 **Plaintiff,**

12 **NO. 09-05702**

13 **vs.**

14 **DEFENDANTS' ANSWER AND**
15 **AFFIRMATIVE DEFENSES**

16 **ALLIANCEONE RECEIVABLES**
17 **MANAGEMENT, INC.,**

18 **Defendant.**

19 **A. ANSWER**

20 COME NOW the Defendants, ALLIANCEONE RECEIVABLES MANAGEMENT,
21 INC. (AllianceOne), by and through its undersigned attorney, and in answer to the complaint
22 for damages of the Plaintiff, admit, deny, and aver as follows:

- 23 1. As to paragraph 1 of the complaint, ALLIANCEONE admits that the Plaintiff
24 brings this action under the cited statutes and tort, but denies any liability to the
25 Plaintiff under the cited statutes and denies any liability to the Plaintiff in tort.
26
27 2. As to paragraph 2 of the complaint, ALLIANCEONE admits that the
28 jurisdiction of this Court arises out under 15 U.S.C. § 1692k(d).

29
30 Pauline Knowles
31 DEFENDANTS' ANSWER AND AFFIRMATIVE
32 DEFENSES- 1

33 KEVIN UNDERWOOD, WSBA #15711
34 K. C. HAWTHORNE, WSBA #18241
35 P O BOX 2449
36 GIG HARBOR, WA 98335
37 (253) 620-2222

1 3. As to paragraph 3 of the complaint, ALLIANCEONE admits that the Plaintiff is a
2 natural person residing in the State of Maine.

3 4. As to paragraph 4 of the complaint, said paragraph contains legal conclusions to
4 which no response is required. To the extent a response is required, ALLIANCEONE lacks
5 sufficient information to admit or deny any allegations, and therefore denies same.
6

7 5. As to paragraph 5 of the complaint, said paragraph contains legal conclusions to
8 which no response is required. To the extent a response is required, ALLIANCEONE lacks
9 sufficient information to admit or deny any allegations, and therefore denies same.

10 6. As to paragraph 6 of the complaint, said paragraph contains legal conclusions to
11 which no response is required. To the extent a response is required, ALLIANCEONE lacks
12 sufficient information to admit or deny any allegations, and therefore denies same.
13

14 7. As to paragraph 7 of the complaint, ALLIANCEONE admits that it contacted the
15 Plaintiff in an attempt to collect a debt, but denies every other allegation contained therein.
16

17 8. As to paragraph 8 of the complaint, ALLIANCEONE denies the allegations
18 contained therein.

19 9. As to paragraph 9 of the complaint, ALLIANCEONE denies the allegations
20 contained therein.

21 10. As to paragraph 10 of the complaint, ALLIANCEONE incorporates by reference all
22 of the proceeding paragraphs in this answer.
23

24 11. As to paragraph 11 of the complaint, ALLIANCEONE incorporates by reference all
25 of the proceeding paragraphs in this answer.

Pauline Knowles
DEFENDANTS' ANSWER AND AFFIRMATIVE
DEFENSES- 2

KEVIN UNDERWOOD, WSBA #15711
K. C. HAWTHORNE, WSBA #18241
P O BOX 2449
GIG HARBOR, WA 98335
(253) 620-2222

1 12. As to paragraph 12 of the complaint, ALLIANCEONE incorporates by reference all
2 of the proceeding paragraphs in this answer.
3
4

B. AFFIRMATIVE DEFENSES

5 AS AND FOR FURTHER ANSWER HEREIN, AND AS ITS AFFIRMATIVE
6 DEFENSES, ALLIANCEONE alleges as follows:
7

8 1. Plaintiff is not entitled to maintain this action due to the existence of some or all of
9 the following affirmative defenses:

- 10 a) contributory negligence;
11 b) estoppel;
12 c) laches;
13 d) waiver;
14 e) failure to mitigate damages
15 f) bona fide error (15 U.S.C. 1692k (c));
16 g) set off;
17 h) unclean hands;
18 i) accord and satisfaction;
19 j) assumption of risk;
20 k) discharge in bankruptcy
21 l) res judicata;
22 m) statute of limitations;
23 n) failure to set forth in pleadings facts which show that the relevant law(s)
24 of the United States, or some other jurisdiction of the United states, may
25 be applicable.

20 2. AllianceOne, in answering the Plaintiff's complaint, expressly reserves questions
21 of:
22

- 23 1) lack of jurisdiction over the subject matter;
24 2) lack of jurisdiction over the person;
25 3) improper venue;
26 4) insufficiency of process;

Pauline Knowles
DEFENDANTS' ANSWER AND AFFIRMATIVE
DEFENSES- 3

KEVIN UNDERWOOD, WSBA #15711
K. C. HAWTHORNE, WSBA #18241
P O BOX 2449
GIG HARBOR, WA 98335
(253) 620-2222

- 1 5) insufficiency of service of process;
2 6) failure to state a claim upon which relief can be granted;
3 7) failure to join a party under rule 19.

4 WHEREFORE, ALLIANCEONE prays:

- 5 1. that the Plaintiff's complaint be dismissed with prejudice; and,
6 and,
7 2. that ALLIANCEONE have its costs and reasonable attorney fees incurred herein;
8 3. for such other and further relief as the Court deems just and equitable.

9
10 DATED this 28 day of December, 2009.
11
12


13 KEVIN UNDERWOOD(WSBA #15711)
14 K.C. HAWTHORNE (WSBA #18241)
15 Attorney for ALLIANCEONE
16 RECEIVABLES MANAGEMENT, INC.
17
18
19
20
21
22
23
24

25 Pauline Knowles
DEFENDANTS' ANSWER AND AFFIRMATIVE
DEFENSES- 4

KEVIN UNDERWOOD, WSBA #15711
K. C. HAWTHORNE, WSBA #18241
P O BOX 2449
GIG HARBOR, WA 98335
(253) 620-2222